

LAW OFFICES OF WILLIAM C. REIL

BY: William C. Reil, Esquire

Identification No. 26833

1515 Market Street, Suite 1200

Philadelphia, PA 19102

215-564-1635

ATTORNEY FOR PLAINTIFF

DR. ORIEN L. TULP	:	UNITED STATES DISTRICT
President of the	:	COURT FOR THE EASTERN
University of Science, Arts, and Technology	:	DISTRICT OF PENNSYLVANIA
vs.	:	
EDUCATIONAL COMMISSION FOR	:	2:18-cv-05540-WB
FOREIGN MEDICAL GRADUATES	:	
and	:	
DR. WILLIAM W. PINSKY	:	
President and CEO	:	
Educational Commission for	:	
Foreign Medical Graduates	:	JURY TRIAL DEMANDED

**PLAINTIFF'S MOTION FOR
A PRELIMINARY AND/OR PERMANENT INJUNCTION**

Plaintiff, Dr. Orien L. Tulp, through his undersigned counsel, requests the Court to Order a Preliminary and/or Permanent Injunction, and in support thereof, it is averred as follows:

1. The plaintiff is Dr. Orien L. Tulp, hereafter referred to as "Dr. Tulp", an adult individual whose address for service of process is at 4288 Youngfield Street, Wheat Ridge, CO 80033. At all times material herein, plaintiff was President of the University of Science, Arts, and Technology ("USAT"), and had an ownership interest in the University. USAT is located in Montserrat, but its US administrative office is located at the address in the caption, and students take classes in Montserrat and the US via a distance education format.

2. A defendant is the Educational Commission for Foreign Medical Graduates, hereafter referred to as "ECFMG" or "the Board", which is an unincorporated association, whose address for service of process is 3624 Market Street, Philadelphia, PA 19104.

According to their mission statement, the ECFMG is an organization which purports to certify medical school students and graduates to practice medicine in the United States.

3. A defendant is Dr. William W. Pinsky, the President and CEO of the ECFMG, whose address for service of process is indicated in the caption. *See* Exhibit A, to the complaint.

4. On or about 12/24/18, plaintiff filed a complaint for tortious interference of contract, violation of his constitutional rights to due process, fraudulent and negligent misrepresentation, and abuse of process against defendants. *See* paragraph 10 of the complaint, which is a summary.

5. Unless defendants are enjoined from illegally blocking the necessary medical licensure of USAT students and finding “irregular behavior” against Dr. Tulp without a fair hearing, Dr. Tulp will suffer irreparable harm, since the University will effectively and immediately be closed by the actions of the defendants. *See* Exhibits A and D of the complaint.

6. ECFMG found Dr. Tulp to have committed “irregular behavior” which essentially excludes plaintiff for at least five years from participation in medical school education. Dr. Tulp does not concede that ECFMG has any jurisdiction over him.

7. ECFMG charged, and threatened to charge, USAT students with “irregular behavior” because they did not fill out an “affidavit” sent to them by ECFMG. Such “affidavit” requested documents and was tantamount to an illegal *subpoena duces tecum*.

8. ECFMG has placed in the World Directory of Medical Schools language which essentially conveys to students that USAT will no longer operate. This was done on an ex parte basis, well before any hearing was scheduled.

9. The Board set up a hearing on 11/28/18 for Dr. Tulp, only, in Philadelphia, at the address in the caption to address so-called “irregular behavior.” After a few minutes, with no witnesses called, Board counsel announced that the hearing was terminated. Prior to the hearing, the Board took the position that Dr. Tulp had the burden of proof on the issue of “irregular behavior” for which he had been charged by the Board. The Board set 20 minutes as the duration of the hearing. No testimony was taken or exhibits received in evidence, before Board counsel terminated the hearing. No Transcript of the proceedings has been received. Dr. Pinsky indicated in his letter of December 14, 2018 to Dr. Tulp that Dr. Tulp had been found guilty of “irregular behavior” by the ECFMG, which body would take action to effectively close USAT and penalize its students and graduates.

10. The factual basis and legal grounds for this Motion are contained in the complaint, and it is averred that plaintiff’s right to relief is clear.


11. Plaintiff avers that he is likely to succeed on the merits of the claim.

12. The complaint and summons has been served on ECFMG and Dr. Pinsky. This motion will be served on defendants by rush service. No attorney has yet entered an appearance or contacted plaintiffs’ counsel indicating representation of defendants.

13. Because of the emergency nature of the situation which plaintiff has been thrust into by the defendants, a hearing with the Court is requested as soon possible.

WHEREFORE, Plaintiff requests the Court to award appropriate legal, equitable and injunctive relief, as indicated in the suggested Order to this Motion.

Respectfully submitted,

A handwritten signature in black ink, reading "William C. Reil". The signature is written in a cursive, flowing style.

William C. Reil, Esquire

FOR: Tommy Swate, Esquire

Attorneys for Plaintiff

File I.D. No. WCR1962

Attorney I.D. No. 26833

1515 Market Street, Suite 1200

Philadelphia, PA 19102

215-564-1635

December 28, 2018